



**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION
1190 St. Francis Drive, Suite S-2102
Santa Fe, New Mexico 87505
Phone: (505) 827-2428**

CONSTITUENT AGENCIES

Environment Department	State Engineer & Interstate Stream Commission
Game and Fish Department	Oil Conservation Division
Department of Agriculture	Department of Health
State Parks Division	Soil and Water Conservation Commission
Bureau of Geology and Mineral Resources	Members-at-Large

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**DRAFT Meeting Minutes
New Mexico Water Quality Control Commission
Virtual Meeting on WebEx
May 11, 2021
9:02 a.m.**

MEMBERS PRESENT:

Jennifer Pruett	Chair, NMED
Gabriel Wade	Vice Chair, Oil Conservation Division
Larry Dominguez	Department of Agriculture
Howard Hutchinson	Soil and Water Conservation Commission
Ghassan Musharrafieh	New Mexico State Engineer and Interstate Stream Commission
Kelsey Rader	Member-at-Large
Keith Candalaria	Member-at-Large
Bruce Thomson	Member-at-Large
Stacy Timmons	New Mexico Bureau of Geology
Krista McWilliams	Member-at-Large
Kirk Patten	New Mexico Game and Fish
David Sypher	Municipal and County Representative
Purvi Mody	New Mexico Department of Health

MEMBERS ABSENT:

David Certain	State Parks Division, EMNRD
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OTHERS PRESENT:

Pam Jones	Commission Administrator
Madai Corral	NMED OPF Hearing Clerk
Robert F. Sánchez	Commission Counsel
John Verheul	Counsel for NMED

34	Annie Maxfield	Counsel for NMED
35	Jolene McCaleb	San Juan Water Commission
36	Maslyn Locke	Western Environmental Law Center
37	Rebecca Roose	Water Protection Division Director
38	Kris Barrios	Surface Water Quality Bureau
39	Heidi Henderson	Surface Water Quality Bureau
40	Jennifer Fullam	Surface Water Quality Bureau
41	Shelly Lemon	Surface Water Quality Bureau
42	Rachel Jankowitz	Surface Water Quality Bureau
43	John Rhoderick	Water Protection Division
44	Jason Herman	Ground Water Quality Bureau
45	Diana Aranda	Surface Water Quality Bureau
46	Eric Hall	Utility Operator Certification Program
47	Cathie Eisen	Utility Operator Certification Program
48	Nile Carver	Utility Operator Certification Program
49	Timothy Goering	Member of the Public
50	Alex Puglisi	Member of the Public
51	Jay Lazarus and Kim Hamann	Members of the Public
52	Tiffany Rivera	Member of the Public

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55 Chair Pruett called the meeting to order at 9:02 a.m. She introduced Purvi
56 Mody, new Commission member representing the Department of Health. Chair
57 Pruett asked the Commissioners to give a brief introduction of themselves
58 during the roll call for Commissioner Mody’s benefit.

59

60 **Item 1. Roll Call.**

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62 The Administrator called the roll; 13 Commissioners were present,
63 Commissioner Certain was counted as absent. Therefore, a
64 quorum was present. Chair Pruett discussed the protocol of the
65 virtual meeting. She mentioned the items on the agenda were
66 time sensitive, which allowed the Commission to meet virtually,
67 per advice from the Open Government Division of the Attorney
68 General’s Office. Chair Pruett pointed out that Commission
69 Administrator will video record the meeting and will post the
70 recording on the Commission’s website as soon as practicable
71 after the meeting.

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73 **Item 2. Approval of the Draft Agenda.**

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75 **Action:** Commissioner Hutchinson moved to approve the draft agenda.
76 Vice Chair Wade seconded the motion. The Chair called a roll call
77 vote. Commissioner Candelaria: aye; Commissioner Dominguez:
78 aye; Commissioner Hutchinson: aye; Commissioner McWilliams:

79 aye; Commissioner Mody: aye; Commissioner Musharrafieh: aye;
80 Commissioner Patten: aye; Commissioner Rader: aye;
81 Commissioner Sypher: aye; Commissioner Thomson: aye;
82 Commissioner Timmons: aye; Vice Chair Wade: aye; Chair
83 Pruett: aye. Commissioner Certain: absent. The motion passed
84 13-0 with 1 Commissioner absent.

85
86 **Item 3. Approval of meeting minutes from April 13, 2021.**

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88 **Action:** Commissioner Dominguez moved to approve the meeting minutes
89 from April 13, 2021. Commissioner Hutchinson seconded the
90 motion. There was no discussion and there was one minor typo
91 noted. The Chair called a roll call vote. Commissioner Candelaria:
92 aye; Commissioner Dominguez: aye; Commissioner Hutchinson:
93 aye; Commissioner McWilliams: aye; Commissioner Mody: aye;
94 Commissioner Musharrafieh: aye; Commissioner Patten: aye;
95 Commissioner Rader: aye; Commissioner Sypher: aye;
96 Commissioner Thomson: aye; Commissioner Timmons: aye; Vice
97 Chair Wade: aye; Chair Pruett: aye. Commissioner Certain:
98 absent. The motion passed 13-0 with 1 Commissioner absent.

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100 **Item 4. Public comment.**

101
102 **Action:** There was no public comment.

103
104 **Item 5: WQCC 21-20: *In the Matter of Final Total Maximum Daily Load***
105 **for Bluewater Lake.** John Verheul, Counsel for NMED Surface
106 Water Quality Bureau, Heidi Henderson, NMED Surface Water
107 Quality Bureau. Request to Schedule Hearing on Proposed TMDL.

108
109 **Action:** John Verheul, Counsel for NMED Surface Water Quality Bureau,
110 gave an overview of the Petition for the TMDL for Bluewater Lake,
111 and requested the commission schedule a hearing on the matter
112 for June 8th, or an appropriate calendar date for the Commission.

113
114 Chair Pruett pointed out the number of significant items already
115 on the June 8th agenda, and that a later calendar date might be
116 more appropriate, if the later scheduling would not cause NMED
117 to miss any EPA submission deadlines. Heidi Henderson, NMED
118 Surface Water Quality Bureau confirmed that presenting the
119 Bluewater TMDL on the August agenda would still give them plenty
120 of time to meet the September 30th deadline to file with the EPA.

121
122 Commissioner Dominguez made the motion to set the hearing on
123 this matter for the regular August 10, 2021 WQCC meeting.

124 Commissioner McWilliams seconded the motion. The Chair called
125 a roll call vote. Commissioner Candelaria: aye; Commissioner
126 Dominguez: aye; Commissioner Hutchinson: aye; Commissioner
127 McWilliams: aye; Commissioner Mody: aye; Commissioner
128 Musharrafieh: aye; Commissioner Patten: aye; Commissioner
129 Rader: aye; Commissioner Sypher: aye; Commissioner Thomson:
130 aye; Commissioner Timmons: aye; Vice Chair Wade: aye; Chair
131 Pruett: aye. Commissioner Certain: absent. The motion passed
132 13-0 with 1 Commissioner absent.

133
134 **Item 6. WQCC 21-23:** *In the Matter of Final Total Maximum Daily Load*
135 *for the Jemez River Watershed.* John Verheul, Counsel for NMED
136 Surface Water Quality Bureau, Rachel Jankowitz and Heidi
137 Henderson, NMED Surface Water Quality Bureau. Request to
138 Schedule Hearing on Proposed TMDL.

139
140 **Action:** John Verheul, Counsel for NMED Surface Water Quality Bureau,
141 gave an overview of the Petition for the TMDL for the Jemez River
142 Watershed, pointing out that it was similar to the TMDL already
143 presented earlier to the Commission. He requested the
144 commission schedule a hearing on the matter for the August 10th
145 meeting or an appropriate calendar date for the Commission.

146
147 Commissioner Hutchinson made the motion to set the hearing on
148 this matter for the regular August 10, 2021 WQCC meeting. Vice
149 Chair Wade seconded the motion. The Chair called a roll call vote.
150 Commissioner Candelaria: aye; Commissioner Dominguez: aye;
151 Commissioner Hutchinson: aye; Commissioner McWilliams: aye;
152 Commissioner Mody: aye; Commissioner Musharrafieh: aye;
153 Commissioner Patten: aye; Commissioner Rader: aye;
154 Commissioner Sypher: aye; Commissioner Thomson: aye;
155 Commissioner Timmons: aye; Vice Chair Wade: aye; Chair Pruett:
156 aye. Commissioner Certain: absent. The motion passed 13-0 with
157 1 Commissioner absent.

158
159 **Item 7. WQCC 21-26:** *In the Matter of Proposed Amendments to Utility*
160 *Operator Certification (20.7.4 NMAC).* Annie Maxfield, Counsel
161 for NMED Drinking Water Bureau. Request to Schedule Hearing
162 and Appoint Hearing Officer.

163
164 **Action:** Annie Maxfield, Counsel for NMED Drinking Water Bureau,
165 presented the Petition and Proposed Amendments to the Utility
166 Operators Certification rules (20.7.4 NMAC). Ms. Maxfield
167 summarized the steps taken by the Department to fully solicit
168 public comment at several dates from Fall of 2019 to the present,

169 and requested the Commission set this matter for hearing at the
170 regular WQCC meeting on August 10th.

171
172 There was some discussion about the availability of the in-house
173 Hearing Officer.

174
175 Commissioner Dominguez made the motion to set the hearing on
176 August 10, 2021 WQCC meeting, to appoint Gregory Chakalian as
177 the Hearing Officer, and to provide the Chair with the ability to
178 appoint a different Hearing Officer should scheduling conflicts
179 prevent Mr. Chakalian from serving at this hearing. Commissioner
180 Hutchinson seconded the motion. The Chair called a roll call vote.
181 Commissioner Candelaria: aye; Commissioner Dominguez: aye;
182 Commissioner Hutchinson: aye; Commissioner McWilliams: aye;
183 Commissioner Mody: aye; Commissioner Musharrafieh: aye;
184 Commissioner Patten: aye; Commissioner Rader: aye;
185 Commissioner Sypher: aye; Commissioner Thomson: aye;
186 Commissioner Timmons: aye; Vice Chair Wade: aye; Chair Pruett:
187 aye. Commissioner Certain: absent. The motion passed 13-0 with
188 1 Commissioner absent.

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190 **Item 8.** Next meeting and expected upcoming matters.

191
192 Commissioner Dominguez asked Chair Pruett her thoughts on
193 whether and when the Commission would return to in-person
194 meetings and hearings. She replied that the State is working on
195 a plan for a hybrid sort of arrangement where those people who
196 want to return to a building for meetings can do so, while still
197 keeping the option for virtual meetings available.

198
199 Chair Pruett summarized the next few months as being busy
200 ones for the Commission, and reviewed matters scheduled for
201 hearing at the June, July and August meetings. She thanked the
202 Commissioners for their diligence and preparedness for
203 Commission meetings and expressed gratitude for her time
204 serving with the WQCC.

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206 Commissioner Dominguez followed with his appreciation for all
207 the hard work the Deputy has put into the WQCC as its Chair

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209 **Item 11.** Adjournment at 10:03 a.m.

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Commission Vice-Chair Gabriel Wade